

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

|  |   |
|--|---|
| 1. Agency/Subagency originating request  | 2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span><br>a. _____ - _____   |
| 3. Type of information collection ( <i>check one</i> )<br>a. <input type="checkbox"/> New Collection<br>b. <input type="checkbox"/> Revision of a currently approved collection<br>c. <input type="checkbox"/> Extension of a currently approved collection<br>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired<br>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired<br>f. <input type="checkbox"/> Existing collection in use without an OMB control number<br>For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested ( <i>check one</i> )<br>a. <input type="checkbox"/> Regular submission<br>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____<br>c. <input type="checkbox"/> Delegated<br><br>5. Small entities<br>Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>6. Requested expiration date<br>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____ |
| 7. Title   |   |
| 8. Agency form number(s) ( <i>if applicable</i> )  |   |
| 9. Keywords  |   |
| 10. Abstract   |   |
| 11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> )<br>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms<br>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government<br>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government   | 12. Obligation to respond ( <i>check one</i> )<br>a. <input type="checkbox"/> Voluntary<br>b. <input type="checkbox"/> Required to obtain or retain benefits<br>c. <input type="checkbox"/> Mandatory   |
| 13. Annual recordkeeping and reporting burden<br>a. Number of respondents _____<br>b. Total annual responses _____<br>1. Percentage of these responses collected electronically _____ %<br>c. Total annual hours requested _____<br>d. Current OMB inventory _____<br>e. Difference _____<br>f. Explanation of difference<br>1. Program change _____<br>2. Adjustment _____  | 14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> )<br>a. Total annualized capital/startup costs _____<br>b. Total annual costs (O&M) _____<br>c. Total annualized cost requested _____<br>d. Current OMB inventory _____<br>e. Difference _____<br>f. Explanation of difference<br>1. Program change _____<br>2. Adjustment _____  |
| 15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> )<br>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management<br>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research<br>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance<br>d. <input type="checkbox"/> Audit  | 16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> )<br>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure<br>c. <input type="checkbox"/> Reporting<br>1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly<br>4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually<br>7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____                                       |
| 17. Statistical methods<br>Does this information collection employ statistical methods<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | 18. Agency Contact (person who can best answer questions regarding the content of this submission)<br><br>Name: _____<br>Phone: _____   |

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

|  |      |
|--|------|
| Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office) |      |
| Signature  | Date |
| Signature of NOAA Clearance Officer  |      |
| Signature  | Date |

# **SUPPORTING STATEMENT MONITORING OF FISH TRAP FISHING IN THE GULF OF MEXICO**

## **Section A. Justification:**

### **1. Need for the Information**

NMFS issued a rule to implement Amendment 16A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico. The intended effects of this rule are to enhance enforceability of fish trap measures and conserve and manage the reef fish resources of the Gulf of Mexico. The rule is proposed to address fish trap fishing violations in south Florida and to provide more effective monitoring and reporting for all fish trapping operations. The Magnuson-Stevens Act provides the legal basis for the rule. Amendment 16A proposes a one-time fish trap/vessel inspection, and announcement of trip initiation and trip termination for fish trappers, until a fish trap VMS (vessel monitoring system) can be evaluated and implemented. The inspections will establish a baseline to assure that all fish trap gear is in compliance with fish trap construction and tagging requirements, and that all participants are familiar with the Federal regulations governing their fishery.

The proposed rule specified that each fish trap vessel owner or operator will contact NMFS Law Enforcement by telephone each year to schedule an annual inspection. However, this was modified to a one-time inspection in the final rule. The one-time inspection will take place during a 1-month period. On the inspection date, the owner or operator must make all fish trap gear with attached trap tags and buoys and all applicable permits available to enforcement for inspection at a land-based site. Vessels must also be made available for inspection. Vessels may continue to use fish traps during the 1-month period until the inspection is initiated. An owner or operator may resume fishing upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance. However, an owner or operator who fails to comply with the inspection requirements may not use or possess fish traps in Gulf Federal waters until the required inspection has been completed and all fish trap gear, permits, and vessels are determined to be in compliance.

The rule also requires a trip initiation report and a trip termination report. Such reports can be made using a 24-hour toll free number for each fishing trip on which a fish trap will be used or possessed.

### **2. Uses and Users of the Information**

This rule contains two new collection-of-information requirements subject to the PRA--namely, a requirement for fish trap vessel operators to provide, via toll free telephone calls, trip initiation and trip termination reports and a one-time requirement for fish trap owners/operators to

schedule, via telephone call, an appointment with NMFS enforcement to allow inspection of fish trap gear, fish trap permits and tags, and vessels.

Trip reports. For each fishing trip on which a fish trap will be used or possessed, an owner or operator of a vessel for which a fish trap endorsement has been issued must submit a trip initiation report and a trip termination report to the SAC or his designee, by telephone, using a 24-hour toll free number.

The trip initiation report must be submitted before beginning the trip and must include: vessel name; official number; number of traps to be deployed; sequence of trap tag numbers; date, time, and point of departure; and intended time and date of trip termination.

The trip termination report must be submitted immediately upon returning to port and prior to any off loading of catch or fish traps. The trip termination report must include: vessel name, official number, name and address of dealer where catch will be off loaded and sold, the time off loading will begin, notification of any lost traps, and notification of any traps left deployed for any reason.

Trap and vessel inspection. The Regional Administrator (RA) will establish a 1-month period for mandatory one-time inspection of all fish trap gear, permits, and vessels. The RA will provide written notification of the inspection period to each owner of a vessel for which a fish trap endorsement has been issued. Each such owner or operator must contact the Special Agent-in-Charge (SAC), NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, or his designee by telephone to schedule an inspection during the 1-month period. On the inspection date, the owner or operator must make all fish trap gear with attached trap tags and buoys and all applicable permits available for inspection on land. Vessels must also be made available for inspection as directed by the SAC or his designee. Upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance, an owner or operator may resume fishing with the lawful gear. However, an owner or operator who fails to comply with the inspection requirements during the 1-month inspection period may not use or possess a fish trap in the Gulf EEZ until the required inspection or reinspection, as directed by the SAC, has been completed and all fish trap gear, permits, and vessels are determined to be in compliance with all applicable regulations.

### **3. Use of Improved Information Technology**

NMFS Law Enforcement recommended an electronic VMS for fish trap vessels as a means to monitor regulated fish trap vessels and detect unlawful fish trapping activity. The device currently being evaluated by NMFS Law Enforcement uses cellular telephone technology and, in addition to reporting vessel location, can be configured to sense various operational aspects of a fishery such as engine speed and operation of fishing gear (e.g., winches).

The VMS hardware costs are estimated in Amendment 16A to be relatively small (approximately \$1,000 per vessel) in comparison to the costs of fish trap operations, including acquiring a fish

trap endorsement. Most fish trappers who commented on this measure to the Council supported establishing a VMS and accepting the associated VMS hardware costs, if necessary, to allow them to continue trap fishing through February 7, 2007 (the time period approved by NMFS under Amendment 14 to the FMP).

The Council was unwilling to proceed with requiring VMS for fish trap vessels without knowledge of the detailed cost of the system or confirmation by NMFS that the system is viable. The Council has asked NMFS to complete its VMS system cost evaluation (purchase/installation) and to test systems on fish trap vessels. Once the cost information becomes available, the Council will make the decision to approve or disapprove implementation of the VMS. Until the evaluation is completed, the fishery will be monitored by this collection.

#### **4. Consideration of Other Collections**

There are no similar or comparable programs.

#### **5. Impact and Problems for Small Businesses**

The collection will not have a significant impact on small businesses, and no special modifications of the requirements were considered necessary to accommodate the needs of small businesses. The data being requested is usually maintained as part of normal business record.

#### **6. Consideration of Less Frequent Reporting**

Reporting is on a one-time and trip basis. Enforcement could not monitor the fishery with less frequent reporting.

#### **7. Consistency with OMB Guidelines**

The trip initiation and termination reports may take place more often than quarterly and require a response in fewer than 30 days. These inconsistencies are required for proper enforcement.

#### **8. Consultations**

The South Atlantic Fishery Management Council consulted with agencies fishery managers, law enforcement, dealers, fishermen, and their law enforcement advisory panel when establishing these requirements.

#### **9. Payments/Gifts**

No payments or gifts are provided.

## **10. Confidentiality**

There is no assurance of confidentiality provided.

## **11. Sensitive Questions**

There are no sensitive questions asked.

## **12. Estimated Information Collection Burden**

There are 86 vessels in the fishery. Each vessel will be required to make a 5-minute call to arrange for the inspection of the vessel and traps. The 86 vessels are expected to average 17 fishing trips per year. Each trip will require a 5-minute departure report and a 5-minute termination report for a total of 14,620 minutes. The total burden will be 251 hours. The annual burden will decrease to 243.67 hours after the initial year. The reduction is through the elimination of the one-time inspection.

86 vessels x 17 trips x 2 reports x 5 min/report = 2,924 responses and 243.7 hours

86 vessels x 1 inspection call x 5 min/call = 86 responses and 7.2 hours

## **13. Estimated Costs**

There will be no cost to fishermen. All reports will be via a toll free telephone call.

## **14. Cost to the Government**

The cost is estimated to be \$.40 per minute. The total cost will be \$5,848.

## **15. Program Changes**

The 251 hours are an increase to NOAA's current burden and are due to a program change. The burden is contained in the FY 1999 ICB.

## **16. Publications**

No formal publications based on these collections are planned.

## **17. Display of the expiration date for OMB approval**

This will not be displayed since no forms or written materials are involved.

**18. Exceptions to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions.

**Section B. Collections of Information Employing Statistical Methods**

This collection of information will not employ statistical methods.